

# S U M M A R Y   A C T I O N   M I N U T E S



## REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

*Tuesday, July 27, 2004, 9:30 A.M.*

BOARD HEARING ROOM, FIRST FLOOR  
10 Civic Center Plaza  
Santa Ana, California

**THOMAS W. WILSON**  
CHAIRMAN  
Fifth District

**JAMES W. SILVA**  
VICE CHAIRMAN  
Second District

**CHARLES V. SMITH**  
SUPERVISOR  
First District

**BILL CAMPBELL**  
SUPERVISOR  
Third District

**CHRIS NORBY**  
SUPERVISOR  
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	James D. Ruth
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Susan Novak, Chief Deputy

INVOCATION: Supervisor Smith, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Silva, Second District, led the assembly in the Pledge of Allegiance

### **I. PRESENTATIONS/INTRODUCTIONS**

### **II. CONSENT CALENDAR (Items 1-23)**

13245      **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 9 WHICH WAS  
PULLED FOR DISCUSSION AND SEPARATE VOTE; ITEM 22 WHICH WAS  
CONTINUED TO 8/3/04, 9:30 A.M.; AND ITEM 23 WHICH RECEIVED A NO VOTE  
FROM SUPERVISOR SILVA**

### **CHILD SUPPORT SERVICES**

1.      Approve price agreement N1000006037 with Xerox Corporation to provide maintenance and supplies for two (2) Xerox DP90 high-speed printers, 8/2/04 - 8/1/05 (\$30,726); renewable for two additional years - All Districts

### **HEALTH CARE AGENCY**

2.      Approve PC 1000 Drug Diversion Certification Program with various providers, 8/1/04 - 7/31/05 - All Districts

# S U M M A R Y   A C T I O N   M I N U T E S

3. Approve amended price agreement N3000003952 with Rapidtext, Inc., for medical transcription services, extending term to 3/31/05 (\$19,000; new total \$34,000) - All Districts

## **HOUSING AND COMMUNITY SERVICES DEPARTMENT**

4. Approve amended purchase order PC 012PO400006547 with Barbara Woodruff, R.D. for Older Americans Act nutrition consulting services, extending term to 10/31/04 (\$10,000; new total \$19,450); and authorize issuance of request for proposals for consulting services and return to the Board for approval - All Districts

## **INTEGRATED WASTE MANAGEMENT DEPARTMENT**

5. Approve price agreement N1000006079 with LSA Associates, Inc., for intermediate mariposa lily transplantation and related services, Frank R. Bowerman Landfill, 8/1/04 - 7/31/05 (\$65,200) - District 3

## **JOHN WAYNE AIRPORT**

6. Approve plans and specifications and set bid opening for 8/18/04, 2:00 p.m., for taxiway E rehabilitation project; and make California Environmental Quality Act findings - District 2
7. Approve price agreement N1000006055 with Sentry Control Systems for preventative maintenance and repair services of parking lot equipment, 8/1/04 - 7/31/07 (\$257,400); renewable for two additional years (\$85,800 per year); and make California Environmental Quality Act findings - District 2
8. Approve amended price agreement N1000003691 with Black Box Network Services for telephone equipment maintenance services, extending term to 8/14/06 (\$130,750; new total \$325,750); and make California Environmental Quality Act findings - District 2

## **RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT**

9. Approve in concept Caltrans' proposed bikeway staging area and County's assumption of ownership and maintenance responsibilities; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 3

23145 **APPROVED AS RECOMMENDED**

10. Approve agreement D04-027 with Laguna Woods for maintenance and operation of City traffic signals, 7/1/04 - 6/30/09 (\$50,000 per year); and make California Environmental Quality Act findings - District 5
11. Approve revised cooperative agreement with California Department of Transportation for relinquishment of a portion of Bristol Street from Irvine Avenue/Campus Drive to North Bristol Street crossing of SR-73 - District 2
12. Accept work with E. A. Mendoza, Inc. for Trabuco Creek Bikeway Phase II improvements, project completed 2/2/04 (\$176,228.67) - District 5
13. Approve agreement D04-040 with Geographic Data & Management Solutions for marketing and distribution of Orange County Digital Landbase/Geographic Information Systems Data - All Districts

## **SOCIAL SERVICES AGENCY**

# S U M M A R Y   A C T I O N   M I N U T E S

14. Approve sublease with MAXIMUS, Inc. for office space for Family Self Sufficiency/CalWORKs case management, Cypress; and make California Environmental Quality Act findings - District 2

## **PUBLIC PROTECTION**

### **Sheriff-Coroner:**

15. Ratify execution of agreement with Foothill/Eastern Transportation Corridor Agency for provision of supplemental law enforcement services at public hearing, 6/19/04 (\$2,575) - District 5
16. Authorize use of County vehicles and staff for transportation of explorers to attend Orange County Law Enforcement Explorer Advisor Association Academy, Wrightwood, 8/22/04 - 8/26/04; and make appropriate findings - All Districts

## **GENERAL ADMINISTRATION**

### **County Executive Office:**

17. Approve two-year license with Sycamore Parking Concepts, Inc. for twenty-four parking spaces for employees of Auditor-Controller's office, Santa Ana; and make California Environmental Quality Act findings - District 1
18. Approve two-year license with Sycamore Parking Concepts, Inc. for ninety parking spaces for employees of Assessor's office, Santa Ana; and make California Environmental Quality Act findings - District 1
19. Approve two-year license with Sycamore Parking Concepts, Inc. for seventeen parking spaces for employees of Clerk-Recorder's office, Santa Ana; and make California Environmental Quality Act findings - District 1
20. Approve two-year license with Sycamore Parking Concepts, Inc. for thirty parking spaces for employees of Treasurer-Tax Collector's office, Santa Ana; and make California Environmental Quality Act findings - District 1
21. Approve Orange County Film Commission 2003-2004 Annual Report and agreement with California State University Fullerton Foundation for Film Commission services - All Districts

22. **Registrar of Voters** - Receive and file Monthly Status Report regarding preparations for November General Election - All Districts

13245 **CONTINUED TO 8/3/04, 9:30 A.M.**

23. **Treasurer-Tax Collector** - Approve agreement with Municipal Water District of Orange County as an outside participant in the County Treasury for purposes of investments - All Districts

13245 **APPROVED AS RECOMMENDED**  
N

**END OF CONSENT CALENDAR**

# S U M M A R Y   A C T I O N   M I N U T E S

## III. DISCUSSION ITEMS (Items 24-42)

### HEALTH CARE AGENCY

- 24 .            Receive oral update on the status of implementation of Integrated Records Information System - All Districts  
**RECEIVED**
- 25 .            Approve lease with PS Business Parks, L.P., for office space for relocation of Environmental Health Division, Santa Ana; and make California Environmental Quality Act findings - District 1  
15234        **APPROVED AS RECOMMENDED**
- 26 .            Approve cooperative agreement with State Department of Fish and Game, Newport Beach and University of California, Irvine for Back Bay Science Center; and direct HCA to return to the Board with sublease and operating agreement for use of laboratory space for water quality testing and continuing maintenance and educational programs for Back Bay Science Center; and make California Environmental Quality Act findings - District 2 (Continued from 7/20/04, Item 46)  
**CONTINUED TO 8/10/04, 9:30 A.M.**

### HOUSING AND COMMUNITY SERVICES DEPARTMENT

- 27 .            Approve Phase II Implementation Plan for Tobacco Settlement Revenue Senior Non-Emergency Medical Transportation Program; authorize Agency to implement program; and authorize Agency to release Requests For Proposal for program services and return to the Board for approval - All Districts (Continued from 6/8/04, Item 70)  
54123        **APPROVED AS RECOMMENDED**

### INTEGRATED WASTE MANAGEMENT DEPARTMENT

- 28 .            Approve payment to RDMD to compensate for previously approved transfer of fifteen (15) acres of habitat impact authorization (\$750,000) - All Districts (Continued from 6/29/04, Item 105)  
34125        **APPROVE AS AMENDED ADJUSTING THE PRICE TO \$60,697 PER ACRE FOR CPI; INCREASING THE PAYMENT TO \$910,455.00 WITH \$455,227.50 TO ROAD, \$72,836.40 TO FLOOD AND \$382,391.10 TO PARKS; AND DIRECT THE AUDITOR-CONTROLLER TO INCREASE APPROPRIATIONS IN 299-299-4000-2400 AND DECREASE RESERVES IN 299-299-9760 BY \$910,455.00 IN ACCORDANCE WITH GOVERNMENT CODE SECTION 29130.**

### JOHN WAYNE AIRPORT

- 29 .            Approve amended price agreement N1000003652 with American Building Maintenance for custodial maintenance services, 8/1/04 - 9/30/04 (\$409,422.18; new total \$5,693,179.18); and make California Environmental Quality Act findings - District 2  
23145        **APPROVED AS RECOMMENDED**
- 30 .            Receive bids and award contract to Meadows Construction Services, Inc. for installation of temporary passenger waiting facility (\$902,580); and make California Environmental Quality Act findings - District 2  
23145        **APPROVED AS RECOMMENDED**

# S U M M A R Y   A C T I O N   M I N U T E S

31.            Approve amendments to leases with McDonald's Corporation for fast food concession and storage area and with Caterina's for specialty concession, 7/1/04 - 6/30/06; and make California Environmental Quality Act and other findings - District 2 (4/5 vote)  
23145        **APPROVED AS RECOMMENDED**

## **RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT**

32.            **Acting as the Orange County Flood Control District** - Approve acquisition contract with and accept grant deed from John Arie Van Leeuwen and Iette Van Leeuwen for purchase of property, Prado Dam Project (\$4,071,500); and make California Environmental Quality Act findings - All Districts  
23145        **APPROVED AS RECOMMENDED**

## **SOCIAL SERVICES AGENCY**

33.            Approve agreement RDT0104 with Catholic Charities of Orange County, Inc., Saint Anselm's Cross-Cultural Community Center, and the Cambodian Family for Refugee Family Enrichment services 8/1/04 - 9/29/05 (\$203,188); renewable for two additional years; and authorize Director to extend term - All Districts  
13245        **APPROVED AS RECOMMENDED**

## **PUBLIC PROTECTION**

34.            **Probation** - Adopt resolution approving submission of amended Comprehensive Multi-Agency Juvenile Justice plan and ratify submission and execution of application for approval to State Board of Corrections for Juvenile Justice Crime Prevention Act funds, FY 2004-05 - All Districts  
21345        **APPROVED AS RECOMMENDED**  
*RESO: 04-191*

## **GENERAL ADMINISTRATION**

### **County Executive Office:**

35.            Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts  
**DISCUSSED**
36.            Approve amended price agreement N1000005659 with Leadership Development Associates for leadership training services, 1/16/04 - 2/6/05 (\$42,900; new total \$84,300) - All Districts  
12345        **APPROVED AS RECOMMENDED**
37.            Select Sperry Capital Inc. as financial advisor; and approve agreement 04-003FA with Sperry Capital, Inc. for debt reduction and restructuring analysis - All Districts  
41235        **APPROVED AS RECOMMENDED**
38.            Approve Orange County Tourism Council 2003-04 Annual Report and agreement with Orange County Tourism Council for Countywide Tourism Program - All Districts  
23145        **APPROVED AS RECOMMENDED**  
N
39.            **Acting as the Legislative Body of Community Facilities District No. 2004-01 (Ladera Ranch)** - Adopt resolution certifying election results for levy of special tax, bond

# S U M M A R Y   A C T I O N   M I N U T E S

indebtedness and issuance of bonds and authorizing filing of validation action (\$85,000,000); and consider first reading of "An Ordinance of the Board of Supervisors of Orange County, California, Acting in its Capacity as the Legislative Body of Community Facilities District No. 2004-1 of the County of Orange (Ladera Ranch) Authorizing the Levy of Special Taxes"; and set second reading and adoption for 8/3/04, 9:30 a.m. - District 5

51234      **APPROVED AS RECOMMENDED**  
              *RESO: 04-192*

40.            **Human Resources** - Approve price agreement N1000006110 with PacifiCare of California for Claims Administration, Cost Management Services, and Preferred Provider Organization Network for County's self-insured Indemnity and PPO Health Plans and Claims Administration for self-insured Management and Attorney Dental Plan, 1/1/05 - 12/31/07; renewable for two additional years - All Districts

21345      **APPROVED AS RECOMMENDED**

41.            **Treasurer-Tax Collector** - Adopt resolution authorizing temporary transfer of monies to Rancho Santiago College District; and make related findings - Districts 1 & 3

13245      **APPROVED AS RECOMMENDED**  
              *RESO: 04-193*

42.            **County Counsel** - Second reading and adoption of "An Ordinance of the County of Orange, California, Adding Section 2-5-302 of the County of Orange Codified Ordinances Permitting Certain Non-Exclusive Uses of County Parks" - All Districts (Continued from 7/20/04, Item 62)

31245      **APPROVED AS RECOMMENDED**  
              *ORD: 04-011*

## **IV. PUBLIC HEARINGS (Item 43)**

### **HOUSING AND COMMUNITY SERVICES DEPARTMENT**

43.            Acting as Orange County Development Agency - Public Hearing to consider adopting resolution approving agreements and other related documents with Newport Executive Court, LLC for sale of property, Santa Ana Heights area; authorize Redevelopment Program Manager to execute related documents and amendments under certain conditions; and make California Environmental Quality Act findings; Acting as the Board of Supervisors - Authorize Manager, CEO Real Estate, to accept and execute avigation easement deed and building restriction agreement - District 2 (Continued from 7/20/04, Item 67)

B.O.           **DELETED**

# S U M M A R Y   A C T I O N   M I N U T E S

## V. CLOSED SESSION (Items CS-1-CS-3)

### GENERAL ADMINISTRATION

#### **County Counsel:**

- CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):  
Name of Case: Catherine Donahue Burt v. County of Orange, et al., Court of Appeal Case No. G031938 (OCSC Case No. 02CC10491)
- B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 3 TO 2, SUPERVISORS WILSON, SMITH & SILVA VOTING IN FAVOR, SUPERVISORS NORBY & CAMPBELL VOTING AGAINST, AUTHORIZED COUNTY COUNSEL TO FILE A PETITION FOR REVIEW IN THE CALIFORNIA SUPREME COURT IN THE CASE OF CATHERINE DOHAHUE BURT V. COUNTY OF ORANGE, ET AL.**
- CS-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):  
Number of Cases: One Case (Continued from 7/20/04, Item CS-6)
- B.O. **DELETED**
- CS-3. **County Executive Office** - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:  
Agency Negotiator: Susan Paul  
Employee Organizations: American Federation of State, County and Municipal Employees, Local 2076, Orange County Attorneys Association, Orange County Employees Association, Orange County Managers Association, International Union of Operating Engineers Local 501, Service Employees International Union Local 787, and certain unrepresented employees
- B.O. **CONTINUED TO 8/3/04, 9:30 A.M.**

## VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

### **PUBLIC COMMENTS:**

Andrew Brooks - Oral Re: Request for Grand Jury to investigate County staff providing Board with inaccurate information on code enforcement issues.

Darrell Nolta - Oral Re: OCTA and Centerline issues

### **BOARD COMMENTS:**

Supervisor Norby - Oral Re: 8/3/04 last date for Board consideration of placing Centerline project on November 2004 ballot

### **ADJOURNED: 1:20 P.M.**

35124 **Adjourned in memory of Pfc. Sean Horn**

35124 **Adjourned in memory of Erick Bartrom**

45123 **Adjourned in memory of James Damiano**

# S U M M A R Y   A C T I O N   M I N U T E S

\*\*\* KEY \*\*\*

## *Left Margin Notes*

- 1. = Supervisor Smith
- 2. = Supervisor Silva
- 3. = Supervisor Campbell
- 4. = Supervisor Norby
- 5. = Chairman Wilson

## *Right Margin Notes*

- A. = Abstained
- X. = Excused
- N. = No
- BO = Board Order
- O. = Ordinance
- R. = Resolution

*Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)*

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*THOMAS W. WILSON, CHAIRMAN*  
*Orange County Board of Supervisors*

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*DARLENE J. BLOOM*  
*Orange County Clerk of the Board*